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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 WILLIAM ALLEN CARTER,) Case No. ED CV 11-0713 DMG (JCG)
11 Petitioner, }
12 v. }
13 F.X CHAVEZ, Warden, }
14 Respondent. }
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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
18 Magistrate Judge's Report and Recommendation, Petitioner's Objections to the
19 Report and Recommendation ("Objections"), and the remaining record, and has
20 made a *de novo* determination.

21 Petitioner's Objections generally reiterate the arguments made in the Petition
22 and Reply, and lack merit for the reasons set forth in the Report and
23 Recommendation.

24 There is one issue, however, that warrants brief amplification here.
25 Petitioner contends that the Magistrate Judge "erred in concluding that no U.S.
26 Supreme Court precedent addresses [Petitioner's] 'jury read back claim,'" and cites
27 to two United States Supreme Court cases. (Obj. at 1.) Upon inspection, neither
28 case addresses whether a criminal defendant has a constitutional right to have

1 testimony read back to the jury.¹

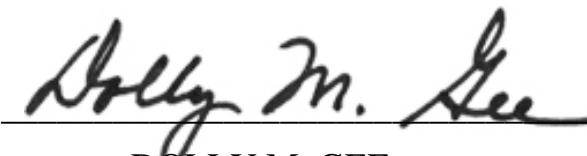
2 Furthermore, even assuming *arguendo* that there had been a constitutional
3 violation, any error was harmless for the reasons stated in the Report and
4 Recommendation. (See R&R at 6-7.)

5 Accordingly, IT IS ORDERED THAT:

- 6 1. The Report and Recommendation is approved and accepted;
- 7 2. Judgment be entered denying the Petition and dismissing this action
with prejudice; and
- 8 3. The Clerk serve copies of this Order on the parties.

9 Additionally, for the reasons stated in the Report and Recommendation, the
10 Court finds that Petitioner has not made a substantial showing of the denial of a
11 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
12 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate
13 of appealability.

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16 DATED: December 29, 2011


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19 DOLLY M. GEE
20 UNITED STATES DISTRICT JUDGE
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27 ¹ The two cases cited by Petitioner are *Shields v. United States*, 273 U.S. 583
28 (1927) and *Bollenbach v. United States*, 326 U.S. 607 (1946).